

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DUSTIN DEAN,)
Plaintiff,)
vs.) No. 3:21-cv-05822
CITY OF TACOMA, TIMOTHY)
RANKINE, and MASYIH FORD,)
Defendants.)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION UPON ORAL EXAMINATION
OF
DUSTIN PARNELL DEAN

Friday, January 10, 2025

12:03 p.m.

Taken at the instance of Defendants

The witness located in Tacoma, Washington.

(All parties appearing via Zoom videoconference.)

REPORTED BY: Stephanie C. Rhinehart, RPR,
WA CCR 22013531, OR CSR 22-0014

raised voices?

A We were still having our disagreement about that, yes,
while we were in the car.

Q At any point when you were in the car with Vanessa back at the Forest Hill Apartments, did you recall her saying for you to leave her alone?

A No. I don't recall that.

Q At any time in the car, do you recall her saying that she wanted you to get away from her?

10 | A No.

11 Q Do you recall her, at any time in the car, saying that
12 she needed help?

13 A No.

14 Q Once you got out of the car in the parking lot, did the
15 two of you continue to argue?

16 A Yes.

17 | 0 Were you still arguing about the appetizers?

18 A Yes.

19 8 Were you arguing with each other in raised voices?

20 A Probably louder than a normal conversation.

21 O Were you using profanity?

22 A That, I -- I don't remember if we were using profanity
23 or not.

24 Q While you were in the parking lot, after you got out of
25 the car and you continued to argue, do you recall at

1 any point Vanessa saying that she wanted you to get
2 away from her?

3 **A No.**

4 Q Do you recall, at any point while you were in the
5 parking lot and still arguing, Vanessa saying that she
6 needed help?

7 **A No.**

8 Q I believe -- let's see.

9 MR. JOLLEY: Are we on Exhibit 6 now?

10 THE REPORTER: Yes.

11 MR. JOLLEY: Okay. I'm going to drag
12 Exhibit 6 over into the chat, and then we'll talk about
13 it.

14 (Exhibit 6 marked for identification.)

15 Q BY MR. JOLLEY: Mr. Dean, I'll share my screen with you
16 here in just a moment. Bear with me.

17 Mr. Dean, can you see what's been marked as
18 Exhibit 6 that indicates "Tacoma Police Report"? And
19 we've got an address of 4310 South 41st Street,
20 Number 29, at the Forest Hill Apartments.

21 Do you see that?

22 **A Yes.**

23 Q And that was your address at the Forest Hill
24 Apartments; correct?

25 **A Correct.**

1 Q And was your apartment on the third floor of your
2 apartment building?

3 A **Correct.**

4 Q And to access your apartment on the third floor on the
5 night of this incident, did you go upstairs to get to
6 that?

7 A **Correct.**

8 Q Were you arguing in the stairwell and as you were going
9 up to the third floor of your apartment?

10 A **Yes. We were still having disagreement all the way
11 into the apartment.**

12 Q And then, once you got into the apartment, were you
13 still having a disagreement?

14 A **Yes.**

15 Q And was this still about the appetizers? Or had it
16 kind of morphed into something else?

17 A **No. It was still about the -- whatever issue we were
18 disagreeing about with the food.**

19 Q Once you were in the apartment, you and Vanessa were
20 continuing to argue; correct?

21 A **Yeah. Our disagreement continued in the apartment,
22 yeah.**

23 Q And while you're in the apartment and you're arguing,
24 is your voice raised?

25 A **No. We weren't yelling.**

1 Q And so it's your testimony that Vanessa wasn't yelling
2 either once you were inside the apartment?

3 A **No. We were not yelling.**

4 Q So let's go back to our exhibit...

5 MR. JOLLEY: And I'm sorry,

6 Madam Court Reporter, we're on 6 or 7?

7 THE REPORTER: Next one would be 7.

8 MR. JOLLEY: Oh, but this is the same
9 exhibit. We're going to use the same exhibit; so we're
10 on 6.

11 THE REPORTER: Yes.

12 MR. JOLLEY: Okay.

13 Q BY MR. JOLLEY: So, Mr. Dean, going back to this Tacoma
14 Police Department report of an incident there at your
15 address on September 14th, 2019...

16 MR. ERICKSEN: Richard, could we take a break
17 for a few minutes so the witness can review the whole
18 exhibit?

19 MR. JOLLEY: Sure. It's in the chat. What's
20 the easiest way -- I think -- can he just open it from
21 the chat and review it?

22 MR. ERICKSEN: See if you can do that,
23 Dustin.

24 (Reporter clarification.)

25 THE VIDEOGRAPHER: Are we staying on the

1 **A No.**

2 Q Officer Ford goes on to write, "While on the bottom
3 floor of the apartment, I heard a female voice yelling
4 from the top floor for someone to, quote, 'Stop,'
5 quote, 'Leave me alone,' quote, 'Get away from me.'"
6 You see where Officer Ford wrote that?

7 **A Yes.**

8 Q At any point when you and Vanessa were arguing up in
9 Unit 29, did Vanessa say the words, quote, "Stop,"
10 quote, "Leave me alone," quote, "Get away from me"?

11 **A Not that I recall, no.**

12 Q Officer Ford writes that, once they went upstairs, that
13 he could hear things being thrown around in the
14 apartment and a female voice yelling for someone to get
15 away from her and leave her alone.

16 First off, when you and Vanessa were arguing in
17 the apartment, was anything being thrown?

18 **A No.**

19 Q Was there any sort of disturbance where either one of
20 you were pushing the furniture or moving objects in the
21 apartment that would sound like something being thrown
22 around?

23 **A No.**

24 Q Is it your position that Officer Ford is just making up
25 all of this about Vanessa -- hearing Vanessa yelling

1 for help, hearing Vanessa say, "Get away from me,"
2 hearing things in the apartment being thrown around --
3 that that's all just made up?

4 **A I don't know why Officer Ford would say that.**

5 Q I'm not asking you why he did it. I'm asking you -- is
6 it your position that, all of what Officer report --
7 Ford is reporting regarding what he heard Vanessa say
8 and what he heard coming from the apartment, that it's
9 just made up?

10 A **No. That did not happen, the "Stop," "Leave me alone,"**
11 **the "Get away from me."** That -- that did not happen,
12 no.

13 Q Okay. Let's look at page 6 of 7 of Officer Ford's
14 report. Officer Ford writes, "We knocked and announced
15 ourselves as police."

16 Do you remember the police knocking on your door
17 while you and Vanessa were in Unit 29?

18 A **No.**

19 Q You don't remember that at all?

20 A **Hearing them knock, no.**

21 Q It says, "The door was unlocked and slightly ajar."

22 Do you recall the door being slightly open when
23 police arrived?

24 A **When I went out to the door, yeah, the door was wide**
25 **open.**

1 Q And when you say, when you "went out and the door was
2 wide open," what do you mean, when you "went out"?

3 A **When I went to go -- after we -- I had realized that**
4 **the police were there, I went to go to the front door,**
5 **and our door was wide open.**

6 Q Let me stop sharing here for a moment. When you
7 realized the police were there, had you and Vanessa
8 being arguing up to that moment?

9 A **Yes. We were still having a disagreement.**

10 Q And so did the disagreement just stop at the point that
11 you realized the police were at the door because you
12 turned your attention towards the police being there?

13 A **Correct. Her daughter was the one that let us know**
14 **that the police were at the front door. And, yeah,**
15 **that's when the disagreement stopped and I went to the**
16 **front door.**

17 Q So where were you in the apartment when Vanessa's
18 daughter let you know that the police were at the door?

19 A **We were in mine and Vanessa's bedroom.**

20 Q Were there lights on in the apartment when Vanessa's
21 daughter let you know that the police were at the door?

22 A **Yes.**

23 Q When you say there were lights on, can you describe
24 what lights were on, as you recall?

25 A **I know the kitchen light was on, for sure. Our bedroom**

1 lights and the hallway light to our bedrooms.

2 Q And at that juncture, what was Vanessa wearing?

3 A We were in the room because she was getting undressed
4 and getting into her, like, pajamas-type stuff. I
5 believe she was -- she was in the middle of getting
6 dressed when I went to the door; so I believe she
7 had -- threw a robe on.

8 Q And had you changed clothes since coming home from the
9 party?

10 A No.

11 Q When Vanessa's daughter came to your bedroom and told
12 you that the police were at the door, what do you
13 recall her specifically saying, to the best of your
14 recollection?

15 A From what I remember, she said that the police were
16 knocking on the door and she had went up and looked
17 through the eyehole to see that they were there. And
18 then she came back to the room and told us that they
19 were there.

20 Q Did you have any inkling as to why the police would be
21 at the door of your apartment, Unit 29?

22 A No.

23 Q You had no idea what they could possibly want?

24 A No.

25 Q You didn't connect it at all to the fact that you and

1 Vanessa had been arguing with raised voices?

2 **A I didn't believe that was a reason the police should be**
3 **at our door, for arguing over food, no.**

4 **Q Well, I'm not asking you why you thought they should be**
5 **at the door. I'm just asking you -- did it dawn you**
6 **on, "Well, gee, we've been arguing. Maybe they think**
7 **that there's some sort of domestic disturbance going**
8 **on." That didn't cross your mind at all?**

9 **A No.**

10 **Q When Vanessa's daughter told you that the police were**
11 **at the door, what did you do?**

12 **A I got up and walked out to the door.**

13 **Q And did you open the door?**

14 **A No. The door was wide open.**

15 **Q The door was wide open when you came out?**

16 **A Yes.**

17 **Q So when you and Vanessa were arguing in the bedroom,**
18 **was the bedroom door closed?**

19 **A Our bedroom door, no, it was not closed.**

20 **Q From your bedroom, can you see the front door of the**
21 **apartment in Unit 29?**

22 **A No.**

23 **Q So you come out, and the door is open. But you had**
24 **been in your bedroom previous -- even after the police**
25 **had arrived; correct?**

1 A Yeah. I was in the bedroom up until I went out to the
2 door.

3 Q So how do you know that the door wasn't ajar before you
4 came out?

5 A Because Vanessa's daughter had just came to tell us
6 that she had went to the door and checked and then came
7 back and told us that the police were there.

8 Q And she told you, specifically, the door was closed?
9 How did she relay that information?

10 A She said she looked through the eyehole, the peephole,
11 to see them.

12 Q So you come out of the bedroom. Where were the police
13 officers located when you first saw them?

14 A They were at about one foot in over the door line and
15 one foot out of the door line. They were standing,
16 like, in the middle of the doorway.

17 Q And were both of them standing in the middle -- oh, let
18 me rephrase that. How many police officers did you
19 see?

20 A Two.

21 Q Were both of them standing with one foot in the
22 apartment and one foot out?

23 A Not side by side. Kind of one in front of the other.

24 Q Can you describe what the police officers looked like
25 physically -- their racial makeup, height, et cetera?

1 **A** They seemed to be between five ten and -- I don't
2 know -- five eight to six foot. One of them was --
3 appeared to be Asian. The other officer was black.
4 And I don't know on weight. Could have been
5 200 pounds. I don't know.

6 **Q** Was it the Asian officer or the black officer that was
7 standing in the doorway?

8 **A** The Asian officer.

9 **Q** And where was the black officer located in relation to
10 the Asian officer, to the best that you can describe
11 it?

12 **A** Pretty much right behind him to the side a little bit
13 to where he could still see into the apartment as well.

14 **Q** And it's your testimony that the kitchen light was on?

15 **A** Yes.

16 **Q** Like, the same light that you would use if you were
17 cooking dinner?

18 **A** Correct.

19 **Q** So you walk towards the door. You see the police
20 officers. How close do you get to them initially?

21 **A** Well, when I come into view of the door, it's at least
22 20 to 30 feet away down -- the front door is down a
23 hallway.

24 **Q** And did you just keep walking towards the police
25 officers when you saw them?

1 **A Yes.**

2 Q And what did they do when they saw you -- or what's
3 clear to you that they had seen you?

4 **A They just announced that they're Tacoma Police**
5 **Department, and then they didn't say anything else.**

6 Q So they announced, "Tacoma Police Department," but
7 there's no discussion between the two of you or -- when
8 I say "the two of you," between you and the police
9 officers at that point?

10 **A Correct.**

11 Q And are you continuing to walk towards them after they
12 announce, "Tacoma Police Department"?

13 **A Yes.**

14 Q And as you're walking towards them, how would you
15 describe the -- your walking pace?

16 **A A normal walking pace.**

17 Q As you're walking towards them and getting closer to
18 them, do they tell you anything else?

19 **A No.**

20 Q So there -- and is the Asian officer, who I'll
21 represent is Officer Rankine -- as he's standing in the
22 door and you're walking towards him, he's not issuing
23 you any commands or providing you any explanation?

24 **A No.**

25 Q He's just standing there looking at you?

1 A Well, by the time I come into view and he announces
2 himself, it was only a few seconds. As I was walking
3 down the hallway, I went to go reach for the door to
4 step out and close the door behind me, and nothing was
5 said besides them announcing themselves.

6 Q So you're walking towards them, Officer Rankine is in
7 the doorway, and you're reaching towards the door;
8 correct?

9 A Correct. The door was on my left side; so I reached
10 across my body and then turned my body around to kind
11 of back out of the door, kind of as if you were going
12 to, like, lock your door after you were leaving.

13 Q And at this point, as you've already grabbed the
14 door -- and that would be with your right hand?

15 A **Correct.**

16 Q And why didn't you just grab it with your left hand and
17 walk out facing them?

18 A Because he was standing in the doorway and we would
19 have come face-to-face. So I reached in with my right
20 hand and turned my back to him to kind of back out the
21 door to kind of indicate like, I'm closing my front
22 door because you're in our house.

23 Q As you were walking towards them, why didn't you say
24 anything like, "What do you guys want?" or -- what this
25 is about? Or "What can I do for you?" Why didn't you

1 communicate with them?

2 A I was coming out of the apartment to communicate with
3 them. That's what I was going out there to -- they
4 were pretty much, you know, standing in our doorway of
5 our home. And I was going outside of our door to have
6 that conversation with them.

7 Q So you grabbed the door with your right hand, and you
8 turn your back to Officer Rankine. How close were you
9 to him at that point?

10 A Well, he never backed up at that -- at that point. He
11 just grabbed me when I turned my back to start closing
12 the door.

13 Q And describe for me how he first made physical contact
14 with you. And give me as much detail as you can.

15 A Well, he first grabbed my arm; so I had reached across
16 and turned my body around and was walking backwards so
17 my right hand was still on the door. I don't even
18 remember if I ever even got the door closed because he
19 instantly started grabbing my left arm.

20 Q So did he grab your left arm first? I'm sorry. I
21 don't quite understand -- or did he grab your right
22 hand first?

23 A My left arm, he grabbed. My right hand was on the door
24 handle --

25 Q So he grabbed -- oh, I'm sorry. I didn't mean to

1 interrupt you.

2 A No. My right hand was on the door handle trying to
3 close the door, as I had -- was kind of making a 360,
4 you know, closing the door, turning my back, and then
5 turning back around. And he had grabbed my left hand
6 before I could even --

7 MS. YOTTER: He said Rankine never moved --

8 MR. JOLLEY: Oh, hey, Michelle...

9 MS. YOTTER: Oh, I'm sorry. Thanks.

10 Q BY MR. JOLLEY: Yes. Sorry about that.

11 So, Mr. Dean, so you're -- you are holding the
12 door with your right hand. He grabs you by your left
13 arm. Where at on your arm does he grab you?

14 A **My upper arm.**

15 Q Does he do that with one hand or two hands?

16 A I don't -- I don't know. It was happening so quickly.
17 The other officer started grabbing me as well. But
18 they were going for my arms and -- when they first
19 initially made contact.

20 Q And did they say anything to you once they had made
21 physical contact with you?

22 A **They were saying I was under arrest.**

23 Q Did they tell you to put your hands behind your back?

24 A **I believe at some point they had asked that, yeah.**

25 Q And --

1 **A Not before they grabbed me.**

2 Q -- but after they grabbed you, but while you're still
3 near the door and while you're still standing, did they
4 say to you words to the effect of, "Put your hands
5 behind your back"?

6 **A I think at some point, yeah.**

7 Q While you're still standing near the doorway, they told
8 you, "Put your hands behind your back"?

9 **A No. I wasn't in the doorway for very long. Once they
10 grabbed me, they kind of pushed me up against the wall
11 by Unit 30.**

12 Q And did they tell you, "Put your hands behind your
13 back," before they pushed you up against the wall at
14 Unit 30 -- or near Unit 30?

15 **A Yeah. That they were -- between -- from the door to
16 the wall, I believe they had asked me to put my hands
17 behind my back and that I was under arrest.**

18 Q When they asked you to put your hands behind your back
19 the first time while you're between your door and the
20 door of Unit 30, what did you do?

21 **A Well, my back wasn't against the door. It was against
22 the wall next to Unit 30. Well, my back was against
23 the wall, and they had my arms. They each had one of
24 my arms, and so I was trying to ask them why they were
25 attacking me.**

1 Q Along with asking them why or trying to ask them why
2 they were, in your words, attacking you, did you put
3 your hands behind your back when they told you the
4 first time that they wanted you to put your hands
5 behind your back and you were under arrest?

6 A I did not.

7 Q Why not?

8 A Because I didn't understand why I was being detained
9 and being attacked.

10 Q Do you think that it is permissible, when a police
11 officer has got hands on you and is telling you to put
12 your hands behind your back -- that it's permissible
13 for you to disobey that directive?

14 MR. ERICKSEN: Objection. To form.

15 Dustin, answer if you can.

16 THE WITNESS: Can you repeat the question.

17 Q BY MR. JOLLEY: Yeah.

18 Do you think it is permissible, once a police
19 officer has hands on you and tells you to put your
20 hands behind your back, for you not to comply with that
21 directive?

22 A I'm sorry. Can you repeat that one more time.

23 THE REPORTER: Can our court reporter read
24 back the question, please.

25 (Record read back as requested.)

1 **A** I was just trying to protect myself from any harm they
2 could have done to me.

3 **Q** And you were trying to protect yourself by keeping them
4 from handcuffing you; correct?

5 **A** In whatever form that I was trying to protect myself
6 from what they were doing, that's -- whatever --
7 whatever way it was. They had -- they had my arms.
8 They had me against the wall. So I don't -- I still
9 don't really understand.

10 **Q** Mr. Dean, you think it's okay that, if in your mind the
11 police don't have a basis to handcuff you, that you can
12 do whatever you need to do to stop them from doing so;
13 correct?

14 **A** Do I believe that?

15 **Q** Yeah.

16 **A** I wouldn't say that I believe that.

17 **Q** Tell me what you believe is permissible if the police
18 are trying to handcuff you and you aren't letting them
19 do so.

20 **A** Well, I don't know because that -- that wasn't really
21 the situation. I was being attacked. And I was just
22 trying to protect myself from being hurt.

23 **Q** Now, the way that the -- in your words, that they were
24 attacking you is, first off, by grabbing your arms and
25 trying to put them behind your back; correct?

1 A They did -- I mean, they grabbed my arms and were kind
2 of pushing me around. And they -- I mean, I went --
3 pushed -- got pushed all the way up against the wall.

4 Q So the attack consisted of them trying to, at least in
5 part, get your hands behind your back so they could
6 handcuff you; correct?

7 A I don't think they were trying to handcuff me from when
8 I was standing. I think they were trying to throw me
9 on the ground or, like, throw me or something. That's
10 why I had been pushed all the way against the wall,
11 from -- it didn't feel like they were just trying to
12 put my hands behind my back. They were doing a lot
13 more than that.

14 Q What did you do -- and describe in detail the physical
15 action that you took to keep them from getting your
16 hands behind your back.

17 A I really just kind of tensed up and just wasn't
18 allowing them to throw me around or trying -- do
19 whatever they were trying to do. I didn't in any way,
20 like -- I mean, they had my arms. They each had --
21 they had -- each one of them had my arms detained
22 already. I was just -- I mean, I wasn't really doing
23 anything besides muscle tension, I guess.

24 Q And the reason that you were engaging in muscular
25 tension was to keep them from getting your arms fully

1 behind your back; correct?

2 **A** No. To keep them from hurting me in any way.

3 **Q** And it's your perception that, by them trying to get
4 your hands-- well, first, let's ask you this.

5 How many times, while you're up against the wall
6 and before you ever get to the stairwell and before you
7 ever go to the ground, did you hear one of the officers
8 say, "Put your hands behind your back"?

9 **A** Probably -- probably one time. I was asking them the
10 whole time why they were arresting me and detaining me.
11 So they weren't really giving me an answer to that, and
12 that's -- I just kept on trying to talk to them and ask
13 them why they were doing that --

14 **Q** At any time -- oh, I'm sorry. I didn't mean to
15 interrupt you. Go ahead. You can finish.

16 **A** Oh, no. Go ahead.

17 **Q** At any time while you're standing before you're ever
18 put on the ground or wind up on the floor near your
19 apartment, do the police say to you, "Put your hands
20 behind your back," and then you just do that?

21 **A** You said "before"?

22 **Q** Before you were on the ground, did you ever comply with
23 a police directive to put your hands behind your back?

24 **A** No.

25 **Q** And they did tell you that, to put your hands behind

1 your back, before you ever wound up on the floor or the
2 ground outside of your apartment; correct?

3 **A** Yeah. Probably before we ended up on the ground as
4 they were trying to throw me and push me to the wall.
5 I think they were trying to say that. But I -- I
6 honestly don't remember what they were trying to say.
7 In that moment they were kind of yelling things at me,
8 and I was kind of yelling back asking why they were
9 doing that, why they were attacking me.

10 **Q** You've indicated previously here today that you believe
11 this was an illegal detention; correct?

12 **A** Correct.

13 **Q** Explain to me why this was an illegal detention from
14 your perspective.

15 **A** Because I didn't do anything. I wasn't breaking a law
16 or committing a crime. And I didn't -- I didn't -- and
17 if they were trying to investigate something, they
18 never let that be known. And that's what I was going
19 out there to talk to them about.

20 **Q** And it's your position that it's permissible to use
21 muscular tension to keep a police officer from putting
22 your hands behind your back if you believe that it is
23 an illegal detention; correct?

24 **A** No. I believe that it's okay for muscle tension to
25 protect myself from someone that's trying to hurt me.

1 Nike tennis shoe -- where is that in relation to
2 Unit 29?

3 A Just a couple feet away. Looks like you can starting
4 to see the wall changing into the door frame in the
5 corner.

6 Q And how did you wind up on the ground where we see the
7 video begin?

8 A Because they dragged me down those stairs because we
9 were about 4 to 5 feet over to the left against the
10 wall of Unit 30.

11 Q And so they dragged you. But can you describe exactly
12 what happened from the point you're standing until you
13 wind up on the ground?

14 A I'm sorry. After -- when my back was against the wall
15 and they were pulling at my arms, one of them had let
16 go of my arm and started pulling -- pulling my feet out
17 from under me. I'm sorry.

18 Q Oh, that's okay.

19 A And once they got me -- my feet out from under me, I
20 had my back against the wall sitting down. At this
21 point, they had let go of my arms and started pulling
22 my legs towards the -- towards the stairs.

23 At some point I had kind of, like, bellied out. I
24 was on my belly. As they kind of dragged me down the
25 stairs, I had reached for the railings and kind of

1 **pulled myself back up. And that's kind of where the**
2 **video's at.**

3 Q Now, your apartment up on the third floor was -- would
4 that -- as we're facing you here, like, kind of the
5 camera view, would the apartment be just directly out
6 of view? Like, where would the person who was filming
7 this -- where would they be in relation to your
8 apartment, Number 29?

9 A **They're standing in the doorway.**

10 Q Okay. Now, was there a banister on the third floor
11 landing?

12 A **What do you mean? Like, a railing?**

13 Q Yeah, like a railing.

14 A **Yes. There's a railing that goes down that I'm holding**
15 **on to, and then there's also a railing that goes to the**
16 **left in front of Unit 30.**

17 Q If someone were to trip and fall and land on the
18 railing that was up on the third floor and go through
19 it, how far would they be likely to fall, based on your
20 recollection of the apartment complex layout?

21 A **Probably 6 to 8 feet.**

22 Q So would they land on the stairs that would be below
23 the landing that's just a few steps down that -- where
24 you wound up getting handcuffed?

25 A **Yeah. That -- there's that flight of stairs. And**

1 **then, to the left of the video and then back down,**
2 **there's another flight. So you went over the railing,**
3 **that -- you would land on those next flight of stairs.**

4 Q So you wound up on the floor by one of the police
5 officers grabbing your legs and pulling your legs out
6 from under you?

7 A **Yes.**

8 Q At this point as you're -- where you're located at the
9 start of this video, could you recall any other
10 commands or directives that the police were giving you?

11 A **No. I don't -- I don't recall any -- any demands they**
12 **were trying to give me.**

13 Q You don't recall them asking again to put your hands
14 behind your back between what you've already described
15 and what we see in the video here?

16 A **No. I -- I don't remember. I was very scared and**
17 **really kind of focused on trying to protect myself from**
18 **being hurt.**

19 Q How much time had lapsed from the time the police first
20 put hands on you until where we see the video beginning
21 here?

22 A **I don't know exactly. But if I had to guess, probably**
23 **about 30 seconds.**

24 Q And during that 30 seconds, was there a struggle going
25 on between and you the police the entire time where

1 you're trying to protect yourself and they are trying
2 to get your arms behind your back?

3 **A** There was a struggle, but that was not their initial --
4 initially, what they were trying to do, they were
5 trying to throw me and push me. So I wouldn't say that
6 they were trying to get my hands behind my back. They
7 kind of just grabbed me. My arm was the first thing
8 they could grab. And then they started trying to throw
9 me, and that's why I ended up over by the wall. But
10 yes, there was a struggle the whole time.

11 **Q** Now, when they were trying to throw you, to use your
12 words, what did you do in response?

13 **A** I stumbled over to the wall and put my, you know -- I
14 mean, I was already against the wall; so I just tried
15 to keep my back against the wall because they had
16 already had attacked me from behind once.

17 **Q** Was there any time, beyond what you've already
18 described to the point where we see the video beginning
19 here, where you were using muscular tension or some
20 other action to prevent the police from doing whatever
21 it is you thought they were trying to do to you?

22 **A** Yeah. When I was up against the wall and they were
23 trying to pull my arms and my legs, yes, I was using
24 muscular tension to not let them pull me.

25 **Q** Did you do anything else besides using muscular tension

1 to keep them from pulling you?

2 **A No.**

3 Q Okay. Let's -- let's watch the first, oh, ten seconds
4 of the video. And we'll watch it with the sound on.

5 (Video plays.)

6 Q BY MR. JOLLEY: Actually, let me stop it right there.
7 At about two seconds, we see your left hand grabbing on
8 to the banister; correct?

9 (Reporter requests clarification.)

10 **THE WITNESS: Correct.**

11 Q BY MR. JOLLEY: And what are you trying to do there by
12 grabbing on to the banister?

13 A I grabbed on to the banister because they were trying
14 to drag me down the stairs. And I just kept holding on
15 to it.

16 Q Okay. Let's -- we'll just rewind it just another
17 second just to kind of get some context, and then we'll
18 watch for a few seconds.

19 (Video plays.)

20 Q BY MR. JOLLEY: So we hear your voice right there. Can
21 you tell us what you were saying?

22 A I didn't hear. I couldn't hear.

23 Q Is it hard for you to hear the video?

24 A Yeah. It's -- I can hardly hear anything.

25 Q All right. Going to turn it up all the way.

you're saying at this point around 9 to 11 seconds to the time stamp. Here we go.

(Video plays.)

Q BY MR. JOLLEY: Is that you saying something about let you go? "Let me go"?

A I'm sorry. I couldn't hear it. But if you're asking if that was something that I said during all that, yeah, there was a lot of things that I was -- I was saying and trying to plead to them to do, like letting me go and explaining to me why they were going to detain me. I couldn't hear it right there. But yeah, that -- I can't tell from hearing it from right here. But that -- I do believe at some point, yeah, I was asking them to let me go.

Q And as you're grabbing the banister or the railing, as we see here in the first few seconds of the video, were you hoping that you would delay or defeat any effort by the officers to actually handcuff you?

A I'm sorry. Repeat that.

Q Yeah. When you're grabbing the railing there that we see in the first few seconds of the video, were you hoping to prevent the officers from getting your hands behind your back or handcuffing you?

A No. I was hoping to not get injured or hurt.

25 Q All right. Let's watch a few more seconds.

1 Q BY MR. JOLLEY: Well, you know what? I'll ask a better
2 question.

3 Now, when you're holding on to the banister
4 between seconds 15 or 13 to what we've just watched at
5 32, were you aware at that point that the police wanted
6 you to put your hands behind your back?

7 A Oh, that was a big change. Honestly, I don't recall.
8 That was almost five years ago.

9 Q Did you ever lose consciousness?

10 A No. I did not black out. I was seeing stars, and my
11 vision was getting spotty at times.

12 Q When we -- and let's just watch it again from 13 to 32.

13 (Video plays.)

14 Q BY MR. JOLLEY: Actually, I just stopped it as
15 second 23. We see somebody else's hand go on to
16 Officer Rankine; correct?

17 A Correct.

18 Q And who would that have been?

19 A I don't know. I wasn't looking. It could have either
20 been Vanessa or her daughter.

21 Q Okay. So we'll watch from 23 to 32.

22 (Video plays.)

23 Q BY MR. JOLLEY: From 21 or 22 seconds to 32, we see
24 Officer Rankine actually trying to push somebody away
25 with his left hand; correct?

1 Q Are you willing to entertain the possibility that when
2 Officer Rankine, assuming that he made contact with
3 your throat -- when he did that, that it was
4 inadvertent, as he's just trying to pull you away from
5 the railing?

6 A **Do I think that a trained officer accidentally put his**
7 **arm around my throat and restricted my airway? No. I**
8 **don't believe that.**

9 Q Now, at this point at 32 seconds on the video, you've
10 been struggling with the police officers based on your
11 testimony for at least a minute; right?

12 A **I believe so.**

13 Q At this point, were you getting tired?

14 A **Yeah. I was very tired.**

15 Q So let's watch the video from 32 to about 45. And
16 things are going to move a little bit faster now. And
17 I'm going to turn this up again all the way. I know
18 that the volume is not great, and my apologies.

19 (Video plays.)

20 Q BY MR. JOLLEY: We hear you at about 37 seconds say,
21 "Call your supervisor"; correct?

22 A **I couldn't hear anything, but yeah. I do remember that**
23 **was something I said several times.**

24 Q If you were able to get out the words, "Call your
25 supervisor," clearly, would that be indicative that

1 trying to break your grip on the railing and pull you
2 away from it?

3 **A Well, I would say one officer. It looks like the other**
4 **officer is nowhere near my hands.**

5 **Q**Okay. Let's watch from 50, and we'll go to about 58.
6 (Video plays.)

7 **Q**BY MR. JOLLEY: So at 58 we see you're still hanging on
8 to the railing. And it looks like Officer Rankine has
9 moved from your left side, where he was located earlier
10 trying to pull your hand off the rail, to behind you;
11 correct?

12 **A****You asked if he was trying to pull my arm to behind me?**

13 **Q**No. He moved behind you from being to your left side
14 between seconds 50 and -- to 58 where we just stopped
15 it; correct?

16 **A****I can't really tell if he's behind me or still at an**
17 **angle or to the side of me. It doesn't look like he's**
18 **directly behind me.**

19 **Q**I'll back it up just a few seconds, and we'll watch,
20 like, from 55 to 1:05, and then I'll ask you some
21 questions.

22 (Video plays.)

23 **Q**BY MR. JOLLEY: So what we saw right there, he's
24 actually got both hands under your chin, and he's
25 pulling you off the railing; correct?

1 A That's what it looked like, yeah.

2 Q And is it your position that he was trying to choke you
3 from seconds 58 to a minute where I just stopped it,
4 what we just watched?

5 A Say that again.

6 Q Is it your position that he was trying to choke you
7 from seconds 57 -- let's go from 55 to a minute. Let's
8 watch it again.

9 (Video plays.)

10 THE WITNESS: Yeah. Looks like he's doing a
11 neck crank.

12 Q BY MR. JOLLEY: Does it look like that he's grabbed you
13 around the neck trying to pull you off of the railing?

14 A Looks like he has his hands wrapped around my head
15 trying to pull my head back.

16 Q So we can agree, at that juncture, he's not trying to
17 choke you?

18 A Not in that moment. he wasn't choking me, no.

19 Q Okay. Let's watch a little bit more.

20 (Video plays.)

21 Q BY MR. JOLLEY: What does it look like to you what the
22 officers are trying to do right here in the -- from
23 about 1:05 to 1:13, where I stopped it? What does it
24 look like they're trying to do?

25 A It looks like they were trying to do anything they

could do to get me in the position they wanted me in.

Q And what was the position that they wanted you in, based on what you've observed?

A In that moment, I didn't know what position they wanted me in. They were, from my view, attacking me.

Q Let's watch again from about 1:02 to 1:15.

(Video plays.)

Q BY MR. JOLLEY: Officer Rankine's grabbing your left arm at this point; correct?

10 A **Correct.**

11 Q Does it look like the position that he wanted to get
12 you in was to get you with your hands behind your back?

13 A I don't -- I don't know what he was trying to do at
14 that point.

15 Q As we watch, could you hear Vanessa saying for you to
16 put your hands behind your back?

17 A I didn't hear that, no.

18 Q Do you recall hearing that from either Vanessa or Talia
19 during this encounter, for you just to put your hands
20 behind your back?

21 A I -- I don't recall that, no. Not in the moment that
22 it was all happening, no.

23 0 Okay. Let's watch a little bit more.

24 (Video plays.)

25 Q BY MR. JOLLEY: Could you hear Officer Rankine right

1 there saying, "Put your hands behind your back"?

2 **A I'm sorry. Could you play it again.**

3 (Video plays.)

4 **Q BY MR. JOLLEY:** You can hear him swearing at you and
5 telling you to put your hands behind your back;
6 correct?

7 **A Yeah. I heard that.**

8 **Q And I take it that it's significant to you based on**
9 questions we heard from your lawyers to Officer Rankine
10 earlier that it was significant that Officer Rankine
11 used the F-word when he was telling you to put your
12 hands behind your back?

13 **A I'm sorry. Can you say that again.**

14 **Q Sure. Was it significant for you that Officer Rankine,**
15 when he's telling you to put your hands behind your
16 back, also used the F-word?

17 **A Was it significant?**

18 **Q Yes.**

19 **A I would say so.**

20 **Q And why is that?**

21 **A Why is it significant that an officer's cursing at all?**
22 **I mean...**

23 **Q In this particular circumstance, what we're watching on**
24 the video as they're trying to get your hands behind
25 your back, why is it significant to you that

Officer Rankine used the F-word when telling you to put your hands behind your back?

A I think because it showcased his frustration and anger and further shows that he was angry and showing those types of emotions while he was attacking me.

Q So it's your position that, by him using the F-word when saying for you to put -- or telling you to put your hands behind your back -- that that's indicative that his intent is to attack you?

10 A No. I think it proves his emotions during that moment,
11 and clearly he's very frustrated and mad.

12 Q Okay. Let's watch a little bit more.

(Video plays.)

14 Q BY MR. JOLLEY: So at this point, Mr. Dean, we actually
15 see you allow them to get your hands behind your back;
16 correct?

17 A Correct.

18 Q So we know that this is now -- if we're at time stamp
19 1:31 of the video, this struggle between you and the
20 officers has been going on for at least two minutes;
21 correct?

22 A **Correct.**

23 Q And finally, two minutes into this, you allow them to
24 get your hands behind your back and handcuff you;
25 correct?

1 | A **Correct.**

2 Q And the reason you're allowing them to do that is
3 because you're just out of steam? You're exhausted;
4 correct?

5 A No. I thought I was going to die.

6 Q And why did you think you were going to die?

7 A Because I started seeing stars, and breathing was
8 becoming very hard. My heart was racing.

9 Q Now, in December of 2019, how would you describe your
10 physical conditioning compared to when you were
11 wrestling in high school?

12 A How do I compare my physical condition -- well, was a
13 mover at that time; so I was always doing very physical
14 activity.

15 Q I thought you were -- when did you end your employment
16 at -- or when did you start your employment at Safeway?

17 A Not until about 2022, I believe.

18 Q And who were you working for as a mover at this point?

19 A I worked for Fast Moving Services for about seven or
20 eight years, but then I had actually bought company
21 from the guy. And even when I was doing other work, I
22 did a lot of side jobs, even all the way up until these
23 last couple years, I always have done side jobs for
24 moving. So I've always kind of done moving here and
25 there throughout my career.

1 A In the moments that I was asking for them to identify
2 themselves, they were not identifying themselves. In
3 those moments, yes.

4 Q All right. Let's watch the rest of the video, and then
5 we might take a quick break.

6 (Video plays.)

7 Q BY MR. JOLLEY: So that's -- we hear you yelling, "It
8 hurts. Stop making it hurt"; correct?

9 A Correct.

10 Q And what were they doing to hurt you at that point?

11 A He was digging his knee into my back -- into my lower
12 back. And he was pushing down and putting pressure on
13 me purposely.

14 Q Now, we hear Officer Rankine a few seconds before that.
15 Let's listen for what he says to you.

16 (Video plays.)

17 Q BY MR. JOLLEY: I'm sorry. We'll go back a little
18 further. I'm going to start it a three minutes. And
19 let's listen for what Officer Rankine is telling you.

20 (Video plays.)

21 Q BY MR. JOLLEY: Do you hear Officer Rankine say to you,
22 "You need to loosen up a little bit, dude"?

23 A He said that to me?

24 Q Do you hear that on the video?

25 A Yeah, I heard that. I -- that was Officer Rankine

saying that?

Q I believe so. You want to listen one more time?

A What would I loosen up?

(Video plays.)

Q BY MR. JOLLEY: That's Officer Rankine that says that to you; correct?

A That's what it sounded like.

Q And did you take that as him telling you to relax?

9 A I don't even know if I was paying attention to what he
10 was saying at that point.

11 (Video plays.)

12 Q BY MR. JOLLEY: So towards the end of the video,
13 Mr. Dean, we hear you again saying that "It hurts."
14 And I take that relates to Officer Rankine having his
15 knee in the small of your back?

16 A Yes.

17 O Okay. Now the video ends. What happened after that?

18 A I mean, they put me in the back of the vehicle and
19 booked me into jail.

20 O On the way to jail, do you remember falling asleep?

21 A No.

22 Q Is it possible that you fell asleep on the way to jail?

23 A I don't believe so, no. I -- we were sitting there
24 arguing. Officer Rankine was arguing with me the whole
25 ride.

1 Q And do you recall Mr. Jolley pointing out a section
2 where it mentions daily marijuana use?

3 A **Yes.**

4 Q Did you mean you were literally using marijuana 365
5 days a year?

6 A **No.**

7 Q When you had a chance to look at the -- well, before
8 today, when was the last time, if ever, did you look at
9 these Greater Lakes medical records?

10 A **I had never really looked at them before.**

11 Q Okay. So just a couple hours ago, when the defense
12 attorney showed them to you, that was the first time
13 you'd ever seen them?

14 A **Yeah.**

15 Q Do you know whether they list any diagnoses for you?

16 A **I don't know if they did, no.**

17 Q Look at -- sharing my screen right now. We're looking
18 at page 6 of the Greater Lakes exhibit. Take a minute
19 to look at that. Do you see where it lists the
20 diagnosis for you?

21 A **Yeah. Yeah. I mean, I -- it was a while ago. I don't
22 really remember all that much, but I -- like I said, I
23 do -- that's why I mentioned it earlier. Because I
24 feel like I remember them talking about PTSD.**

25 Q Right. Because they did diagnose you with PTSD; right?

1 A Yeah. I believe so. That's -- I think that was after
2 the first phone call.

3 Q And your diagnosis of PTSD, would that be related to
4 your arrest by Officers Ford and Rankine?

5 MS. YOTTER: Object as to form.

10 Q MR. ERICKSEN: I think you said a couple times during
11 your deposition today that it's hard to watch the
12 video. Do you recall that?

13 A Yeah.

14 Q Why would you say that?

15 A Because I just feel like it's like reliving that
16 moment. And I feel like I was in danger -- like, my
17 life was in danger. And it's just not -- it's just
18 hard to watch. It's -- I don't think anybody should
19 ever be treated like that or attacked like that. And I
20 personally don't like watching even little bits of it.
21 That's probably the first time in a long time I've
22 watched the whole video through.

23 Q Is it traumatic for you watching the video?

24 A Yeah.

25 Q After you were arrested, do you feel safe being around